

**DISCLAIMER**

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**COMMONWEALTH OF VIRGINIA, ex rel.**

**STATE CORPORATION COMMISSION**

**v.**

**CASE NO. PUE990619**

**ROBERT A. WINNEY**

**d/b/a THE WATERWORKS COMPANY  
OF FRANKLIN COUNTY,  
Defendant**

**HEARING EXAMINER'S RULING**

**November 23, 1999**

On November 18, 1999, the Defendant filed a request to continue the Rule to Show Cause hearing scheduled herein for November 30, 1999. In support of his request, the Defendant stated that he received the Rule to Show Cause on November 10, 1999, and he was unable to get an appointment to see his attorney until the week of November 15, 1999. He further stated that his attorney could not alter his schedule on such short notice to accommodate the hearing. He further stated his witnesses and his attorney had made plans to be out of town during the Thanksgiving holiday. Finally, the Defendant stated that his attorney would contact the Staff after the first of the year to discuss this matter further.

On November 22, 1999, the Commission's Staff filed its Response to Request for Continuance. In its Response, the Staff argued that this matter raises serious issues concerning the provision of water service to customers and proper billing for that service. The Staff further argued the public interest would not permit this matter to be deferred until next year. The Staff stated it does not object to a two-week continuance, provided the hearing may be conducted in Rocky Mount, Virginia. The Staff requested that any ruling granting a continuance of the scheduled hearing should require the Defendant's counsel to file a notice of appearance.

Good cause having been shown, I find that the hearing scheduled herein on November 30, 1999 should be continued. Accordingly, **IT IS DIRECTED:**

- (1) That the Rule to Show Cause hearing scheduled for November 30, 1999, be and it is hereby, rescheduled for 2:00 p.m. December 14, 1999, in the General District Courtroom, Franklin County Courthouse, 275 South Main Street, Rocky Mount, Virginia; and

- (2) That counsel for the Defendant shall, on or before December 10, 1999, file a notice of appearance, referencing the case number of this proceeding, with the Clerk of the Commission, P.O. Box 1197, Richmond, VA 23218-1197.

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Michael D. Thomas  
Hearing Examiner